

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

## **2.1-100 General Provisions**

### **Subsections:**

<b>2.1-105</b>	<b>Title</b>
<b>2.1-110</b>	<b>Purpose</b>
<b>2.1-115</b>	<b>Applicability</b>
<b>2.1-120</b>	<b>Enforcement</b>
<b>2.1-125</b>	<b>Violation and Penalties</b>
<b>2.1-130</b>	<b>Code Construction</b>
<b>2.1-135</b>	<b>Fees</b>

### **2.1-105 Title**

This Ordinance is known and may be cited as the "Springfield Development Code" or "SDC" and is referred to as "this Code" or "the Code."

### **2.1-110 Purpose**

The regulations contained in this Code are intended to ensure that development is:

- A.** Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- B.** Served by a full range of key urban facilities and services that can be provided in an orderly and efficient manner; and
- C.** Consistent with the applicable standards of this Code.

### **2.1-115 Applicability**

- A.** Land may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, and occupancy or otherwise, only as this Code permits.
- B.** In addition to the requirements of this Code, all uses and development shall comply with all other applicable City, regional, State, and Federal regulations. All references in this Code to other City, regional, State, or Federal regulations are for informational purposes only and do not constitute a complete list of these regulations. These references do not imply any responsibility by the City for enforcement of regional, State, or Federal regulations. All references to other City, regional, State, or Federal regulations in this Code refer to the most current version and citation for those regulations, unless

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specifically indicated otherwise. Where the referenced regulations have been repealed, requirements in this Code for compliance are no longer in effect.

#### **2.1-120 Enforcement**

- A.** The Director, in consultation with the City Attorney and affected Division/Department heads, is responsible for the enforcement of this Code. Whenever the Director reasonably believes a violation of any provision of this Code has occurred, or when necessary to investigate an application for or revocation of any Development Approval, the Director may enter on any site in a reasonable manner.
- B.** Enforcement of this Code may be through the applicable procedures for abatement and civil infractions in the Springfield Municipal Code (SMC), 1997. The enforcement remedies available under this Code or the SMC are not exclusive and do not preclude the City from using any other remedies available by law. In addition, the Building Official may order any work stopped by notice in writing.
- C.** Upon a request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

#### **2.1-125 Violation and Penalties**

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code: whenever the permit or approval is granted in error on the basis of incorrect information supplied or whenever its granted (or activity permitted is) in violation of any ordinance or regulation; or whenever the holder of the permit or approval violated the provisions of either this Code or the SMC.

#### **2.1-130 Code Construction**

- A.** Severability. If any portion of this Code is declared by a Court of law to be invalid or ineffective in whole or in part, that decision shall not affect the validity of the remaining portions.
- B. Effect of Repeal.** The repeal of prior code does not revive any ordinance in force before or at the time the prior code took effect. The repeal of the prior code does not affect a penalty incurred before the repeal took effect, nor a legal action pending at the time of the repeal.
- C. Chapter and Section Titles.** The titles of the code chapters and sections indicate the contents of each section and are not a part of the substance of the section. The titles are not affected by amendments or re-enactments.

**D. Editing of the Code.** The City Attorney may renumber sections and parts of sections of ordinances, change the wording of titles, rearrange sections, change reference numbers to agree with renumbered chapters, sections, or other parts, substitute the proper subsection, section, or chapter or other division numbers, strike out figures or words that are merely repetitious, change capitalization for the purpose of uniformity, and correct clerical or typographical errors. In preparing revisions of the code for publication and distribution, the City Attorney shall not alter the sense, meaning, effect, or substance of an ordinance.

## **2.1-135 Fees**

- A.** The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Code. The list of fees is available at the Development Services Department.
- B.** Payment of these fees is required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver, as specified in Subsection C., below.
- C.** Fee Waivers. The following fee waivers apply only within the Springfield city limits to the following agencies and/or persons:
- 1.** Non-profit affordable housing providers.
    - a.** Development fees required by this Code may be waived for up to 50 affordable housing units per year or more, upon the determination of need by the Director in order to encourage the construction of affordable housing. Affordable housing is defined as newly constructed housing that is either for:
      - i.** Rental housing for households with incomes below 60 percent of the area median income, as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal; or
      - ii.** Home ownership housing sold to households with incomes below 80 percent of the area median income, as determined by the HUD income limits in effect at the time of submittal.
    - b.** The property owner shall enter into a contractual agreement with the City for a 5-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below shall be met:
      - i.** Proof of registered non-profit status;

- ii. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;
  - iii. For rental housing, adequate documentation that the housing shall remain exclusively available to low-income households at affordable rents for the period of affordability;
  - iv. For home ownership housing, adequate documentation that this housing is sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, the housing shall only be sold another low-income household at an affordable sales price.
  - v. Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner shall pay the waived development fee from which the owner or any prior owner was exempt; and
  - vi. Recording of appropriate covenants and documentation to insure compliance with the requirements specified in this Subsection.
- 2. Low income citizens. Development fees required by this Code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.
- D. Application resubmittal fees. After denial of an application by the Approval Authority, application resubmittal shall occur as specified in SDC5.1-300. The fees in effect at the time of application resubmittal will be imposed.
- E. Application modification or amendment fees. An additional fee is required for modifications or amendments to an approved preliminary or final application.
- F. Application withdrawal. The Director shall determine the return of any fees upon a written request by the applicant based upon the following factors:
  - 1. The time and level of review that went into the preparation of the staff report; and
  - 2. City expenses prior to and during the preparation of the staff report.
  - 3. **EXCEPTION:** Postage fees will not be returned.